

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No.: 8:03-CR-77-T-30TBM

HATEM NAJI FARIZ

**MOTION TO ADOPT PRETRIAL MOTIONS OF CO-DEFENDANTS
CHALLENGING ALLEGATIONS IN SUPERSEDING INDICTMENT**

Defendant, Hatem Naji Fariz, by and through undersigned counsel, moves this Honorable Court to permit him to adopt the following motions of co-defendants challenging the charges in the Superseding Indictment as motions on Mr. Fariz's behalf, and applicable to the counts of the Superseding Indictment that include charges against Mr. Fariz, the same as if the motion and memoranda of law were fully set out, filed, and produced on behalf of Mr. Fariz, but only insofar as these motions and memoranda of law are beneficial and not adverse to Mr. Fariz's interests herein:

(1) Co-defendant Ghassan Ballut's Motion to Dismiss or Strike Counts One Through Four, Thirteen Through Fifteen, Eighteen, Nineteen, Twenty-Two, Twenty-Four, Twenty-Five, Twenty-Seven Through Thirty-Two, Thirty-Three, Thirty-Five, Thirty-Six, and Thirty-Eight Through Forty-Three and Memoranda of Law (Doc. 713);

(2) Co-defendant Sami Al-Arian's Motion and Memorandum to Dismiss Counts 1 through 4 of the Superseding Indictment for Violation of 18 U.S.C. Section 1385 (the Posse Comitatus Act) (Docs. 700, 722);

(3) Co-defendant Sami Al-Arian's Motion to Dismiss Count 1 of the Indictment (Doc. 698) and Memorandum in Support of Motion to Dismiss Count One (RICO) (Doc. 721), but only to the extent that Mr. Fariz asserts that there are First Amendment and notice issues at stake in this case; and

(4) Co-defendant Sami Al-Arian's Combined Motion to Dismiss Counts 1, 2, 3, and 44 and Memorandum re: Pre-indictment Delay and Destruction of Evidence (Doc. 697) and Memorandum in Support (Doc. 719).

The purpose of this motion to adopt is to provide Mr. Fariz the benefit of these motions without burdening the Court or the record with unnecessary repetition.

WHEREFORE Defendant Hatem Naji Fariz respectfully requests that this Court allow him to adopt the foregoing motions of co-defendants.

Respectfully submitted,

R. FLETCHER PEACOCK
FEDERAL PUBLIC DEFENDER

/s/ M. Allison Guagliardo
M. Allison Guagliardo
Assistant Federal Public Defender
400 North Tampa Street, Suite 2700
Tampa, Florida 33602
Telephone: 813-228-2715
Facsimile: 813-228-2562
Attorney for Defendant Fariz

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of November, 2004, a true and correct copy of the foregoing has been furnished by CM/ECF, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Cherie L. Krigsman, Trial Attorney, U.S. Department of Justice; William Moffitt and Linda Moreno, counsel for Sami Amin Al-Arian; Bruce Howie, counsel for Ghassan Ballut; and to Stephen N. Bernstein, counsel for Sameeh Hammoudeh.

/s/ M. Allison Guagliardo
M. Allison Guagliardo
Assistant Federal Public Defender